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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
14

15 UNITED STATES OF AMERICA,)	No. 10-CR-729 EJD
)	
16 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING TO
17 v.)	APRIL 16, 2012
)	
18 STEVEN LEE VARGEM,)	
)	
19 Defendant.)	
)	
20)	

21 The Parties, acting through respective counsel, hereby stipulate, subject to the Court's
22 approval, that the hearing currently set for March 26, 2012 at 1:30 pm be vacated, and that the
23 hearing be re-set for April 16, 2012 at 1:30 pm. The parties are requesting the continuance of the
24 hearing due to the need for additional time for effective preparation and the need to jointly
25 negotiate a resolution in this matter.

26 The parties stipulate that the time between March 26, 2012 and April 16, 2012, is excluded
27 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
28 continuance would unreasonably deny defense counsel reasonable time necessary for effective

1 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
2 ends of justice served by granting the requested continuance outweigh the best interest of the
3 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
4 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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9 DATED: March 21, 2012

MELINDA HAAG
United States Attorney

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12 /s/
GARY G. FRY
Assistant United States Attorney

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14 CAROLYNE A. SANIN
Special Assistant United States Attorney

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16 /s/
Don Kilmer
Attorney for Defendant

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18
19 ~~EXHIBIT~~
20 **PROPOSED ORDER**

21 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
22 ORDERED that the hearing currently set for March 26, 2012 at 1:30 p.m., shall be continued to
23 April 16, 2012, at 1:30 p.m.

24 THE COURT FINDS that failing to exclude the time between March 26, 2012 and April
25 16, 2012, would unreasonably deny the government continuity of counsel and deny defense
26 counsel reasonable time necessary for effective preparation, taking into account the exercise of
27 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

28 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
between March 26, 2012 and April 16, 2012, from computation under the Speedy Trial Act

1 outweigh the interests of the public and the defendant in a speedy trial.

2 THEREFORE, IT IS HEREBY ORDERED that the time between March 26, 2012 and
3 April 16, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
4 3161(h)(7)(A) and (B)(iv).

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7 IT IS SO ORDERED.

8 DATED: March 21, 2012



EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE